

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JOSHUA CALHOUN, 1985495,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:21-cv-279-JDK-KNM
	§	
LAMORRIS MARSHALL, et al.,	§	
	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Joshua Calhoun, an inmate of the Texas Department of Criminal Justice, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 about alleged violations of his constitutional rights in prison. The case was referred to United States Magistrate Judge, K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

The Court has previously denied multiple motions from Plaintiff for preliminary injunction. Docket Nos. 79, 108. On November 27, 2021, November 30, 2021, and February 8, 2022, all while he was still proceeding pro se before the appointment of counsel to represent him (*see* Docket No. 107 (appointing counsel)), Plaintiff filed his seventh, eighth, and ninth motions for preliminary injunctions. Docket Nos. 97, 99, 106. On February 9, 2022, the Magistrate Judge issued a Report recommending that all three motions be denied. Docket No. 109. Plaintiff did not file written objections to the Report within the time provided.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir.

1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 109) as the findings of this Court. It is therefore **ORDERED** that Plaintiff's pending motions for preliminary injunction (Docket Nos. 97, 99, 106) are **DENIED**.

So **ORDERED** and **SIGNED** this **28th** day of **March, 2022**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE